

Liber W. C. And the said Richard Atwood by Kenelme Cheseldyne his Attorney doth Come and defend the force and Injury when &c and prayeth Liberty to Imparle hereunto untill next Provinciaall Court, and Itt is granted unto him the same day given to the plantiffe also:

Att w<sup>ch</sup> said next Provinciaall Court To witt the Eighteenth day of ffebruary in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq̃ Domini 1679 Came the said parties by their Attorneys afors<sup>d</sup> and the said Richard Atwood by his said Attorney sayth, That hee doth well Acknowledge the takeing of the horse Colt aforesaid, and that Justly, Because hee saith That att the time of the supposed takeing and detaining of the said horse Colt aforesaid the said Colt then was and still is the proper Colt of him the said Richard Atwood, and the Encrease of a Certaine Mare being the proper Mare of him the said Richard, and because the said Colt then was and still is the proper Colt of him the said Richard hee well Acknowledgeth the takeing the said Colt aforesaid, And that Justly

And the said Marke by his Attorney aforesaid saith that the Colt aforesaid is not the proper Colt of the said Richard Atwood as the said Richard above by pleading hath Alleadged, and this hee prayes may be Enquired of by the Country, And the said Richard alsoe:

p. 169 Therefore Itt is Comanded the Sheriffe of st Maryes County that hee cause to Come here Twelve &c by whome &c and who neither &c to Recognize &c because aswell &c: Which Jurors being Impannelled and Called Came To witt Thomas Cosden, Joseph Tilley, Marmaduke Semme, Sam<sup>ll</sup> Holdsworth, John King, William Husbands, Thomas Sedwicks, Robert Mason, William Harris, Thomas Alcock, John Boucher & Herman Norton, .Who being Elected Tryed and Sworne to say the truth in the p<sup>r</sup>misses. Upon their oathes doe say That the Colt aforesaid is the pp Colt of the said Marke Cordea, And thereupon the said Richard Atwood by his Attorney aforesaid moved the Court here in Arrest of Judgment upon the Verdict of the Jurors aforesaid Whereupon day is given to both pties untill next Provinciaall Court

Now here att this day to witt the fffteenth day of May in the fffth yeare of the Dominion of Charles Lord Baltemore &c Annoq̃ Domini 1680 Came the said parties by their Attorneys aforesaid, and the said Richard Atwood by his Attorney aforesaid. fileth his Reasons for arrest of Judgment upon the Verdict of the Juro<sup>rs</sup> aforesaid, w<sup>ch</sup> fffollowes. Viz

(Reasons for Arrest of Judgment in this Cause)

Imp<sup>rs</sup>: It's Erro<sup>r</sup> in that noe Replevin can Lye for any other matter or thing then such as are first distreyned and Impownded, w<sup>ch</sup> the said Colt was not and soe the proper Action for Recovery of the same was by action of Trover or detinue

2<sup>d</sup> Its error in that the Defend<sup>t</sup> when the said writt of Replevin was